

REMARKS/ARGUMENTS

Claims 1-33 are pending in the application. Claims 15-33 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b), as being drawn to a nonelected invention.

Claims 1-14 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,787,897 to Kieturakis or under 35 U.S.C. § 103(a) as being unpatentably obvious over Kieturakis in view of various combinations of U.S. Patent No. 6,533,763 to Schneider, U.S. Patent No. 6,613, 002 to Clark et al., and/or U.S. Patent No. 4,662,871 to Rafelson.

By the foregoing amendment, Claims 1-14 have been amended to clarify the distinctions between the invention as claimed and the cited references. It is respectfully submitted that the foregoing amendment of the claims is fully supported by the application specification as originally filed. It is respectfully requested that the rejection of the claims be reconsidered and withdrawn in view of the foregoing amendment of the claims and the arguments that follow.

Kieturakis describes a medical instrument including an elongated variform intraluminal member having a substantially flexible primary linear shape that is capable of being deformed into a substantially rigid non-linear secondary shape. The intraluminal member includes an interior assembly of longitudinal articulating elements joined by a tensioning member that is operated between a relaxed or non-tensioned position and a tensioned position to change the shape of the intraluminal member from a non-articulated substantially straight and flexible primary shape to a rigid articulated or curved secondary shape. A disposable sheath 18 is adapted to be slipped over the intraluminal member 12. Sheath 18 is made of transparent flexible material such as latex and has an open proximal end 91 and a closed distal end 92 with a very flexible tapered tip 93. The outer diameter of the sheath would be manufactured in several sizes ranging from #20 to #60 French for different size esophageal lumens. A gripping collar 94 molded into sheath 18 is adapted for grasping with the fingers to pull the sheath over intraluminal member 12. A flexible working channel 95 with interior lumen 96 is incorporated into the sheath 18. The diameter of lumen 96 may be any suitable dimension, for example from 0.6 to 3 millimeters or more, to accommodate a flexible shaft accessory instrument (e.g., and endoscope or forceps). Working channel 95 also may be utilized to deliver therapeutic agents to the patient's stomach or to suction air or liquid secretions from the stomach. (See Figs. 6-7, and col. 5, lines 24-40 of Kieturakis.)